

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES **LICENSING AND REGULATORY AFFAIRS**

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS COMMISSION

SAFETY STANDARDS

Filed with the Secretary of State on February 18, 2014

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the **director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, MCL 408.1019 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)** ~~construction safety standards commission by sections 19 and 21 of Act No. 154 of the Public Acts of 1974, as amended, being SS408.1019 and 408.1021 of the Michigan Compiled Laws)~~

R 408.49101 and R 408.49102 of the Michigan Administrative Code are amended, and R 408.49103 is added to the Code, as follows:

PART 91. PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS

R 408.49101. Scope.

Rule 9101. (1) This part applies to the manufacturing, keeping, having, storing, selling, transporting, and using of explosives, blasting agents, and pyrotechnics. These rules do not apply to the sale and use (public display) of pyrotechnics, commonly known as fireworks, or to the use of explosives in the form prescribed in the official United States pharmacopeia.

(2) The manufacture of explosives, as defined in ~~the provisions of 29 C.F.R. §1910.109(a)(3), explosives,~~ **General Industry Safety Standard Part 55 "Explosives and Blasting Agents," as referenced in R 408.49102,** shall also be in compliance with the requirements contained in the provisions of **these rules.** ~~29 C.F.R. §1910.119.~~

(3) The manufacture of pyrotechnics as defined in ~~the provisions of 29 C.F.R. §1910.109(a)(10)~~ **General Industry Safety Standard Part 55 "Explosives and Blasting Agents," as referenced in R 408.49102,** shall also be in compliance with the provisions of these rules.

R 408.49102. Adoption of standards by reference.

Rule 9102. **(1) The following federal occupational safety and health administration (OSHA) regulations are adopted by reference in these rules.**

(a) 29 C.F.R. §1926.64 "Process safety management of highly hazardous chemicals," effective March 26, 2012.

(b) 29 C.F.R. §1926.64 Appendix A "List of highly hazardous chemicals, toxics and reactives (mandatory)," effective June 30, 1993.

~~The federal occupational safety and health administration's regulations on process safety management of highly hazardous chemicals that have been promulgated by the United States department of labor and have been codified at 29 C.F.R. §1910.119, including appendix A, with an effective date of May 26, 1992, and which were amended March 7, 1996, appearing in the Federal Register on pp. 9238, are adopted by reference in these rules as of the effective date of these rules. The definitions referred to in R 408.49101(2) and (3) and codified at 29 C.F.R. §1910.109(a)(3) and (10) are adopted in these rules by reference. The adopted regulations may be obtained from the Michigan Department of Consumer and Industry Services, Standards Division, P.O. Box 30643, Lansing, Michigan 48909, at no charge as of the time of adoption of these rules, or from the United States Department of Labor, Occupational Safety and Health Administration, 801 S. Waverly Rd., Room 306, Lansing, MI 48917, at no charge as of the time of adoption of these rules.~~

(2) All of the following provisions apply with respect to the regulations adopted in subrule (1) of this rule:

(a) A reference to 29 C.F.R. §1910.1200 "Hazard communication," and 29 C.F.R. §1926.59 "Hazard communication," means Occupational Health Standard Part 430 "Hazard Communication;" General Industry Safety Standard Part 92 "Hazard Communication;" and Construction Safety Standard Part 42 "Hazard Communication;" as referenced in R 408.49103.

(b) A reference to 29 C.F.R. §1926.65 "Hazardous waste operations and emergency response," means Occupational Health Standard Part 432 "Hazardous Waste Operations and Emergency Response," as referenced in R 408.49103.

(3) The provisions of 29 C.F.R. §1926.64 and 29 C.F.R. §1926.64 Appendix A have the same force and effect as rules promulgated under Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1001 to 408.1094.

(4) The standards adopted in subrule (1) of this rule are available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge as of the time of adoption of these rules.

(5) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(6) The standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

R 408.49103. MIOSHA referenced standards.

Rule 3. The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 42 "Hazard Communication," R 408.44201 to R 408.44203.

(b) General Industry Safety Standard Part 92 "Hazard Communication," R 408.19201 to R 408.19203.

(c) Occupational Health Standard Part 430 "Hazard Communication," R 325.77001 to R 325.77003.

(d) General Industry Safety Standard Part 55 "Explosives and Blasting Agents," R 408.15501.

(e) Occupational Health Standard Part 432 "Hazardous Waste Operations and Emergency Response," R 325.52101 to R 325.52137.